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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,139	03/25/2004	John A. Eaton	50121-00003	7709
25231	7590	03/30/2006	EXAMINER	
MARSH, FISCHMANN & BREYFOGLE LLP 3151 SOUTH VAUGHN WAY SUITE 411 AURORA, CO 80014			WEAVER, SUE A	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Contrary to applicants' remarks the figures do not show a container in which each of the faces contains a groove as is now claimed. Furthermore a careful review of the description does not find any such suggestion.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants are advised that "a single side wall" in line 16 appears to be a double inclusion of "a sidewall" in line 6, as applicants have not properly related the structures.

4. Claim 1, 3-6, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley '377, of record.

Member 30 for example defines a recess in the bottom wall if the container of Buckley with grooves 32 and 34 at an angle and receiving the thumb as shown in Figure

6. The container of Buckley is clearly capable of holding a beverage such as when

making eggnog. To have provided only one groove and forgo the advantage of left and right hand use would have been no more than an obvious elimination of a part and it's function.

5. Claims 13, 17-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creaver '391, of record.

Note the bottle of Creaver which is capable of holding a beverage and has at least 3 walls extending from a bottom. Figure 1 shows a hand in broken lines with the corner resting in the palm and angle grooves for receiving the fingers and thumb as claimed.

6. Claims 7, 8 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 13 above, and further in view of Fulcher et al '350, of record.

To have connected the grooves to form one continuous gripping recess for ease of use in the manner taught by Fulcher et al at 4 would have been most obvious. The feature 5 of Fulcher et al is considered to define an inverted V.

7. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 13 and 23 above, and further in view of Ewing, Jr '790, cited by applicants.

To have made the container of a size to be gripped with a hand around the upper portion and rounded the side wall would have been obvious in view of such teaching by Ewing, Jr.

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 26 above, and further in view of Kelly '997.

To have further provided a bail handle at the top of the container to aid in handling depending on the capacity of the container would have been obvious in view of such teaching by Kelly at 83,

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 1 above, and further in view of Tardif '452.

To have further provided the container of Buckley with upper walls that are tapered for ease of pouring would have been obvious in view of such teaching by Tardif at 20.

10. Claims 9-12 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claim 32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

12. Applicant's arguments with respect to claims 1 and 13 have been considered but are moot in view of the new ground(s) of rejection.

13. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information

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SW



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